

TAB

Egyptian Law

MINISTERIAL ARRET (ORDER)
REGARDING THE RULES TO BE FOLLOWED IN TAKING DISCIPLINARY MEASURES
AGAINST WORKMEN.

MINISTER OF SOCIAL AFFAIRS

Having seen Arts 26 and 27 of Law No.41, 1944, concerning individual labor contracts

And the Ministerial Arret (Order) issued on January 19th, 1945, regarding the rules to be followed in taking disciplinary measures against workmen

And the modifications proposed by the Higher Labor Advisory Council for embodiment in this Arret(Order)

And according to what has been submitted by the Labor Administration

WE HAVE DECIDED

Article 1. Disciplinary penalties to be inflicted on workmen and employees are the following:

Warning, fine, suspension from duty, reduction in post, reduction of wages, discharge from service with indemnity and discharge from service without indemnity.

Not more than one penalty should be inflicted for a single offense.

Article 2. The warning should be made in writing and should include the category of the punishment to which the workman is liable should he commit an offense similar to that for which he had received warning, within the limits and provisions of the regulations included in list of penalties.

Article 3. The fine shall be a fixed amount which may not vary with the difference in wages and may equal the wages of the workman for a specified period.

If the worker is paid in terms of piecework, the fixing of the fine should be based on the average gain of the workman during the

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fortnight preceding infliction of the penalty.

All this should be effected without contravening provisions of Article 27 of Law No.41, 1944, which concerns conclusion of individual labor contracts.

It is not permitted in any case that the cut in wages of the worker should exceed 1/5 of what is due to him at pay time.

Article 4. The reduction of the wages of the workman should not be more than 25 per cent of the total wage.

The reduction of the wage should also not exceed the minimum stipulated for the worker by laws, orders, regulations, decisions or mutual labor contracts.

Article 5. The worker, punished by reducing his post or wages, is entitled to resign from service and to obtain any indemnity due to him for his period of service on the basis of the wages he received before reduction.

It is not permitted to reduce the worker to a post lower than in cadre which he directly occupies.

Article 6. Without contravening the provisions of Arts 21 and 30 of Law No.41, 1944, concerning individual labor contracts, the proprietor of the industry may stipulate in the punishment regulations the cases which give him the right to discharge a workman from service as a disciplinary measure without indemnity.

In this case, it will not be necessary to give notice to the workman prior to infliction of the penalty according to Art 21, cited above.

Article 7. If the establishment has a director other than its proprietor, he is permitted to inflict the penalty of warning, fine, and suspension from duty. As to the other punishments, they are the right of the proprietor of the establishment or his duly authorized manager.

In companies administered by a member of a board of directors,

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the latter will be considered as the owner of the establishment.

Article 8. Penalties should not be inflicted on the workman until he has been informed in writing of the offense attributed to him and after conducting an investigation with him regarding the offense alleged against him and hearing his defense as well as recording the particulars in a 'proces verbal' to be retained in the establishment.

This does not apply to warnings and fines not exceeding a three-day-wage.

Article 9. In cases other than those provided for in item 8 of Article 30 of the Law, no disciplinary measure should be inflicted on the worker for an offense committed outside the establishment in which he works unless it was connected either with the work, the owner, or responsible directors.

Article 10. In establishments where 50 or more workmen are employed, no punishment should be inflicted on the workman unless his offense falls within the provisions of the punishment regulations of the establishment.

Article 11. The punishment regulations should be written in Arabic in a style comprehensible to the workman and should be placed permanently where the workman can see it.

If the establishment employs foreign workmen, one copy or more, either in English, French, or Italian, should be similarly exhibited.

Article 12. Provision should be made in the penal regulations regarding augmentation of the punishment in cases of recidivism on condition that the period should be fixed in which the commission of the offense is to be considered as recidivism. This period should not exceed one year.

Article 13. The workman or employee should be given written notice of the punishment inflicted on him.

The punishment should ^{not} be put into effect before at least

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three days from the date of notification provided for in the former paragraph.

The notice should be sent by registered letter directed to the address given by the workman as recorded in his file, should he refuse to accept the notice personally.

Article 14. Every workman or employee should have a punishment sheet in which the category of offenses committed by him, date and the penalty inflicted should be entered. These sheets are to be kept in a general file in the establishment unless every workman had a special file in which case the sheet is to be kept in the latter.

Article 15. If the owner of the establishment revokes the contract existing between him and the workman, or if he discharges him from service at a time when the workman is paying a fine by instalment and the fine is not completely or partly collected, the workman is not to be asked for the outstanding balance.

Article 16. The provisions of this Arret (Order) do not apply to government workers and those of provincial councils, municipalities, organizations of public utility, capitulatory and monopoly companies, and other organizations, organized by law or decree, if their system regarding disciplinary measures of their workers is approved by the government.

Article 17. The Ministerial Arret (Order) issued on January 29th, 1945, is hereby cancelled.

Article 18. The Under-Secretary of State is to execute this Arret (Order) which will be effective from the date of its publication in the Official Gazette.

8th August, 1945.

(Sgd.) ABDUL MAGID BADER.